

Message Text

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ACTION DLOS-09

INFO OCT-01 EUR-12 ISO-00 AGR-01 ACDA-12 AID-05 CEA-01
CEQ-01 CG-00 CIAE-00 COME-00 DODE-00 DOTE-00
EB-08 EPA-01 SOE-02 DOE-15 FMC-01 TRSE-00 H-01
INR-10 INT-05 IO-13 JUSE-00 L-03 NSAE-00 NSC-05
NSF-01 OES-09 OMB-01 PA-01 PM-05 SP-02 SS-15
ICA-11 /151 W

-----121105 071442Z /47

P R 071420Z AUG 78
FM AMEMBASSY PARIS
TO SECSTATE WASHDC PRIORITY 5801
INFO USMISSION USUN
AMEMBASSY MOSCOW

C O N F I D E N T I A L SECTION 01 OF 02 PARIS 24673

E.O. 11652: GDS
TAGS: PLOS
SUBJECT: APPROACH TO FRENCH ON THE SUBJECT OF QUOTA/
ANTI-MONOPOLY CLAUSE IN THE LAW OF THE SEA
TREATY

REF: (A) PARIS 23223 (B) STATE 178263

1. FOREIGN MINISTER DE GUIRINGAUD IN REPLY TO AMBASSA-
DOR'S LETTER, NOTED REF (A), STATES IT WOULD NOT BE
POSSIBLE TO MODIFY FUNDAMENTALLY FRENCH POSITION ON
SUBJECT ISSUE.

2. UNOFFICIAL ROUGH EMBASSY TRANSLATION OF GUIRINGAUD
LETTER FOLLOWS:

BEGIN TEXT: DEAR MR. AMBASSADOR. YOU WISHED BY YOUR
LETTER OF JULY 24, 1978, TO CALL MY ATTENTION TO A
DIFFERENCE OF OPINION BETWEEN OUR TWO GOVERNMENTS OVER
A PROBLEM WITHIN THE SCOPE OF THE LAW OF THE SEA CON-
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REFERENCE, NAMELY, THE INSERTION INTO PART XI OF THE
CONVENTION, RELATING TO THE INTERNATIONAL DEEP SEABED
ZONE OF AN ANTI-MONOPOLY OR ANTI-DOMINANT POSITION
CLAUSE WHICH WOULD PERMIT THE MAINTENANCE OF A CERTAIN
EQUILIBRIUM AMONG THE VARIOUS MINERS OF INTERNATIONAL
DEEP SEABED MULTIMETAL NODULES.

I, LIKE YOU, AM PLEASED TO ACKNOWLEDGE THE EFFECTIVE COOPERATION WHICH HAS DEVELOPED BETWEEN OUR DELEGATIONS AT THE LAW OF THE SEA CONFERENCE. RESPECTING THE PARTICULAR POINT THAT YOU RAISE, HOWEVER, IT DOES NOT SEEM POSSIBLE TO ME TO MODIFY FUNDAMENTALLY THE FRENCH POSITION WHICH HAS BEEN STATED OVER AND OVER AGAIN, NOTABLY BEFORE THE FRENCH PARLIAMENT.

OUR DIFFERENCE OF OPINION IS RESTRICTED, IN FACT, TO THE SETTING UP, UPON THE GRANTING OF THE FIRST CONTRACTS, OF A MECHANISM WHICH WOULD PERMIT AVOIDING THE MONOPOLIZATION OF ALL AVAILABLE SITES BY THE EXISTING CONSORTIA. THIS PRECAUTION APPEARS ESSENTIAL TO US BECAUSE OF THE LIMITATION ON DEEP SEA PRODUCTION REQUIRED BY LAND MINERAL PRODUCERS. THIS PRODUCTION LIMITATION WILL RESULT IN STRICTLY LIMITING THE NUMBER OF EXPLOITABLE SITES. CONSEQUENTLY, IT IS OUR INTENTION TO TAKE MEASURES AS SOON AS THE FIRST CONTRACTS ARE AWARDED AGAINST ANY MONOPOLIZATION BY CONSORTIA CONTROLLED BY A SPECIFIC COUNTRY.

IN ADDITION, YOU EXPRESS THE WISH THAT FRANCE MIGHT BE ABLE TO ACCEPT THE SOLUTION TO WHICH THE UNITED STATES AND THE SOVIET UNION ARE AGREEABLE. I NOTE, IN THIS REGARD, THAT THE CONCERNS OF THE SOVIET GOVERNMENT CAN BE DISTINGUISHED FROM OUR OWN TO THE DEGREE THAT

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THE SOVIET GOVERNMENT IS MAKING EVERY EFFORT ABOVE ALL TO FORESTALL A LONG TERM MONOPOLY WHILE THE FRENCH

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C O N F I D E N T I A L SECTION 02 OF 02 PARIS 24673

AUTHORITIES ARE EQUALLY CONCERNED ABOUT THE SHORT TERM.
THE FACT REMAINS THAT THE SOVIET DELEGATION TO THE CON-
FERENCE IS PREPARED TO ACCEPT THE FRENCH PROPOSAL IF
THE UNITED STATES GOVERNMENT WERE TO SUPPORT IT.

MOREOVER, IT SEEMS CLEAR TO ME THAT THE DEVELOPING
COUNTRIES WILL NOT ACCEPT, AS A MATTER OF PRINCIPLE,
THAT THE ANTI-DOMINANT POSITION CLAUSE BE GUTTED OF
ALL SUBSTANCE.

I READILY ACKNOWLEDGE THAT THE ISSUE OF "FLAGS OF CON-
VENIENCE", MEANING SHAM NATIONALITIES FOR COMPANIES, IS
EXTREMELY SENSITIVE, BUT IT GOES BEYOND THE FRAMEWORK
FOR INTERNATIONAL UNDERSEA MINING. IN ANY CASE, IF, AS
THE AMERICAN ADMINISTRATION SEEMS TO THINK, RECOURSE TO
THESE "FLAGS OF CONVENIENCE" WOULD RENDER THE FRENCH
CLAUSE INOPERATIVE AND WOULD PERMIT CONSORTIA CONTROLLED
BY THE UNITED STATES TO ATTAIN THEIR OBJECTIVES, IT IS
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NOT CLEAR WHY THIS CONSIDERATION WOULD WORK AGAINST
ADOPTION OF THE SAID CLAUSE. INDEED, FRANCE AND THOSE
WHO THINK LIKE HER IN THIS RESPECT, NOTABLY AMONG THE
DEVELOPING COUNTRIES, WOULD BE SATISFIED BY ITS ADOP-
TION WHILE THE UNITED STATES WOULD BE MAKING THE BEST
OF A MEASURE DEVOID OF THE REAL IMPACT THAT IT FEARED.

CARING ABOUT THE COORDINATION AND COOPERATION WHICH HAS
ALWAYS MOTIVATED US IN THE CONFERENCE, I OF COURSE SEE
ONLY ADVANTAGES IN OUR TWO DELEGATIONS PURSUING THEIR
EFFORTS WITH THE AIM OF RECONCILING THEIR VIEWPOINTS
TO THE GREATEST DEGREE POSSIBLE.

COMPLIMENTARY CLOSING. END TEXT.

3. EMBASSY POUCHING ORIGINAL LETTER TO D/LOS.
HARTMAN

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Message Attributes

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